

CHAPTER NO. 163

SENATE BILL NO. 1591

By Clabough

Substituted for: House Bill No. 452

By Newton, Langster, Bone, Johnson

AN ACT To amend Tennessee Code Annotated, Section 57-3-207, relative to promoting Tennessee licensed wineries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-3-207, is amended by adding the following as a new, appropriately designated subsection:

(o)(1) Notwithstanding any provision of law, rule or regulation to the contrary, any non-profit association organized to encourage and support grape growing and winemaking in the State of Tennessee with ten (10) or more Tennessee licensed wineries as members shall be allowed to hold not more than eight (8) wine festivals per calendar year. Each festival shall not exceed a period of seventy-two (72) hours.

(2) Any Tennessee licensed winery participating in a festival authorized by this subsection shall be allowed to transport, serve and offer complimentary samples of their wines for tasting at such festival. The complimentary sample size shall be restricted to a one-ounce (1 oz.) serving with only one (1) sample per person for each type of wine. Any person serving wine at such festival shall possess a server permit from the commission as described in Title 57, Chapter 3, Part 7.

(3) Notwithstanding any provision of law, rule or regulation to the contrary, any Tennessee licensed winery participating in a festival authorized by this subsection shall be allowed to transport wine produced by such winery to sell at the festival for consumption off premises.

(4)(A) Any non-profit association authorized by this subsection to hold a wine festival shall apply for a special occasion license as defined in §57-4-102(20), in order for participating Tennessee licensed wineries to serve complimentary samples as described in subdivision (2) and to sell wine produced by such wineries for consumption off premises.

(B) Notwithstanding the provisions of §57-4-102(20)(A), a special occasion license issued for a wine festival authorized by this subsection shall be for the duration of such festival for which application is made for a period not to exceed seventy-two (72) hours. A special occasion license issued pursuant to this subsection shall only be available upon the payment of the fee as required by law for each separate day of the festival.

(C) Notwithstanding any provision of law, rule or regulation to the contrary, a non-profit association authorized to

conduct a wine festival pursuant to this subsection shall be permitted to hold such festival in any municipality or county of the state in the manner provided in subdivision (5).

(5) Notwithstanding any provision of law, rule or regulation to the contrary, a non-profit association as defined in subdivision (1) is authorized to conduct a wine festival pursuant to this subsection in a municipality or county of the state which has approved the sale of alcoholic beverages or has a licensed winery located in such municipality or county, subject to complying with all permit requirements of such municipality or county, and in all other municipalities or counties upon receiving approval of the legislative body of such municipality or county to hold such a festival at a location and in such manner authorized by such legislative body.

SECTION 2. Tennessee Code Annotated, Section 57-3-207(m), is amended by deleting the first sentence of this subsection and substituting instead the following language:

The commission is empowered and authorized to promulgate such rules and regulations as may be necessary to carry out the duties of the commission as provided in this section, including but not limited to procedures governing the production, sale and transportation of wine.

SECTION 3. Tennessee Code Annotated, Section 57-3-207(m), is further amended by deleting the period after the word "hereunder" at the end of the second sentence and inserting the following language:


, and for any failure to comply with such procedures, the commissioner shall notify the commission, which is authorized to revoke or suspend the license of any winery.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

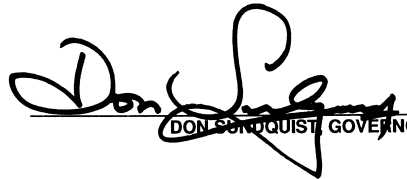
SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 30, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 3rd day of May 2001


DON SUNDQUIST, GOVERNOR